

**UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF PENNSYLVANIA**

Alan W. Schmidt, on behalf of himself and in a
representative capacity on behalf of all others
similarly situated and derivatively on behalf of
Genaera Corporation,

Plaintiff,

v.

John A. Skolas, et al.,

Defendants.

Civil Action No.: 2:12-cv-03265-BMS

Judge: Honorable Berle M. Schiller

NOTICE OF APPEAL

Notice is hereby given that Plaintiff Alan W. Schmidt ("Schmidt"), on behalf of himself and in a representative capacity on behalf of all others similarly situated and derivatively on behalf of Genaera Corporation, hereby appeals to the United States Court of Appeals for the Third Circuit from: (1) the November 10, 2015 Memorandum (Dkt. No. 194) granting Defendants' motions to dismiss Schmidt's Second Amended Verified Class Action and Shareholder Derivative Complaint for Damages and Rescission of Sales of Assets to OHR and Dipexium ("Second Amended Complaint"); and (2) the November 10, 2015 Order (Dkt. No.

195) granting Defendants' motions to dismiss (Dkt. Nos. 158-64), dismissing Schmidt's Second Amended Complaint, and directing the Clerk to close the case.

Dated: November 11, 2015

Respectfully submitted,

SQUITIERI & FEARON, LLP

By: /s/Lee Squitieri
Lee Squitieri
32 East 57th Street, 12th Floor
New York, NY 10022
Tel: (212) 421-6492
Fax: (212) 421-6552
Email: lee@sfcclasslaw.com

Stephen A. Sheller
SHELLER, P.C.
1528 Walnut Street, Floor 4
Philadelphia, PA 19102
Tel.: (215) 790-7300
Fax: (215) 546-0942
Email: sasheller@sheller.com

Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on November 11, 2015, I caused a true and correct copy of the foregoing Notice of Appeal, to be electronically filed with the United States District Court for the Eastern District of Pennsylvania, and served on all counsel of record by operation of the Court's Electronic Case Filing ("ECF") system.

Copies of this document are available for viewing and downloading from the Court's ECF system.

/s/Lee Squitieri
Lee Squitieri